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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,944	02/04/2000	Christopher Warnock	EBRY0001	9493

22862 7590 02/27/2006

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

EXAMINER

LE, NANCY LOAN T

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/498,944	Applicant(s) WARNOCK ET AL.	
	Examiner NANCY LOAN T. LE	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 15, 17-21, 55-75, 78-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 15, 17-21, 55-75, 78-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is responsive to amendment filed on 22 November 2005 in which base claims 1 and 67 are amended; claims 4-14, 16, 22-26, 76-77 are canceled; claims 27-54 are withdrawn (not elected – see Election/Restriction of 6/22/2004); and all other claims remain the same.

Status of Claims

Claims 1-3, 15, 17-21, 55-75, 78-85 have been examined and are pending.

Response to Arguments

Applicant's arguments, see 'Applicant's arguments or remarks made in an Amendment', filed 22 November 2005, with respect to the rejection of the base claims 1 and 67 under 35 USC 102(b) as being anticipated by Hartrick et al., (U.S. Patent no. 5,532,920, published on 02/07/1996) have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection of those base claims is made in view of LeBOURGEOIS (International PCT Publication No. WO 98/42098, published on 09/24/1998).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 67 are rejected under 35 U.S.C. §102(b) as being anticipated by LeBOURGEOIS (International PCT Publication No. WO 98/42098, published on 09/24/1998).

As per **claim 1**, LeBOURGEOIS discloses a method for allowing a user to access document content using a logic client device comprising:

- providing a user of said client logic device with a first user viewable version of the actual contents of documents residing at a server on a first cost basis, said first user viewable version being

protected by a security server to prevent the user from performing standard operations on said version such as copying, printing or saving (pg. 10 line 28 – pg. 11 line 1, pg. 19 lines 19-32);

- calculating a charge to permit the user to perform a requested action on a user-selected portion of document content on a second cost basis (pg. 11 lines 1-9, pg. 26 lines 13-18, pg. 28 line 24 – pg. 29 line 6);
- providing a second version of the user-selected portion on which a user requested action is completed, in coordination with said security server, upon payment of the calculated charge (pg. 11 lines 9-15).

As per **claim 67**, LeBOURGEOIS discloses a method for allowing the purchase of information from a server, comprising:

- serving user-requested pages of information from a server in a form protected by a security server to a user of a client logic device to permit user viewing of the actual contents of said pages of information and selecting by a user but not printing, copying or saving by the user (pg. 10 line 28 – pg. 11 line 1, pg. 19 lines 19-32);
- calculating a charge to permit a requested action to be performed on a user-selected portion of the information served (pg. 11 lines 1-9, pg. 26 lines 13-18, pg. 28 line 24 – pg. 29 line 6); and
- providing the user-selected portion in coordination with said security server, upon authorization of payment of the calculated charge in a second form on which the requested action is performed (pg. 11 lines 9-15).

Conclusion

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NANCY LOAN T. LE** whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 7am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **JAMES P. TRAMMELL** can be reached on **(571) 272-6712**. **For official/regular communication**, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**. **For informal/draft communication**, the fax number is **(571) 273-7066 (rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

Any response to this action should be *mailed* to:

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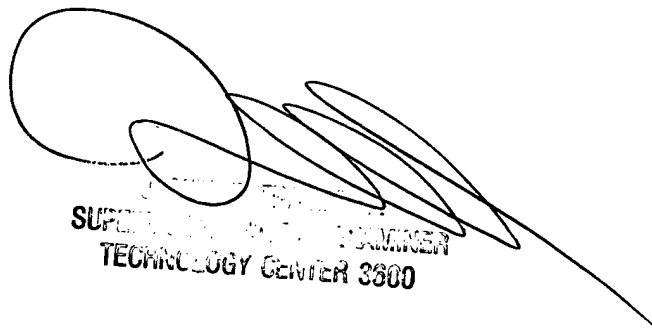
Randolph Building

401 Dulany Street

Alexandria, VA 22314

NL

21 February 2006



A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the text "SUPERVISOR OF PATENT EXAMINERS" on the top line and "TECHNOLOGY CENTER 3600" on the bottom line.